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HOUSE BILL 676

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PROHIBITING THE DIRECTOR OF  
THE ALCOHOL AND GAMING DIVISION OF THE REGULATION AND LICENSING  
DEPARTMENT FROM ISSUING LICENSES NEAR CERTAIN TRIBAL LAND;  
ENACTING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Liquor Control Act is  
enacted to read:

" [NEW MATERIAL] LOCATION NEAR CERTAIN TRIBAL LAND--  
RESTRICTIONS ON LICENSING. --

A. The director shall not issue, renew or transfer  
to a new owner or lessee a license for the sale of alcoholic  
beverages at a location that is within twenty miles of tribal  
land of a tribe that has not adopted an ordinance permitting  
the sale of alcoholic beverages within its exterior boundaries.

underscored material = new  
[bracketed material] = del ete

underscored material = new  
[bracketed material] = delete

1           B. A license may be granted for a proposed licensed  
2 premises if the owner or lessee has obtained a waiver from each  
3 tribal government within twenty miles of the proposed location  
4 of the licensed premises to allow the sale of alcoholic  
5 beverages within twenty miles of its tribal land.

6           C. For purposes of this section, all measurements  
7 taken in order to determine the location of licensed premises  
8 in relation to tribal land shall be the straight-line distance  
9 to the point of the tribal land closest to the proposed  
10 location of the licensed premises from the property line of the  
11 proposed licensed premises.

12           D. For purposes of this section:

13                   (1) "tribal land" means:

14                           (a) all land within a tribal reservation  
15 or pueblo grant; and

16                           (b) all land, title to which is either  
17 held in trust by the United States for the benefit of a tribe  
18 or a member of a tribe, or held by a tribe or a member of a  
19 tribe subject to restriction by the United States against  
20 alienation and over which the tribe exercises governmental  
21 authority; and

22                   (2) "tribe" means an Indian nation, tribe or  
23 pueblo located wholly or partially in New Mexico. "